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13 October 2005 Amendment
Responsive to 13 July 2005 Office Action

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REMARKS

This paper is responsive to any paper(s) indicated above, and is responsive in any other manner indicated below.

REQUEST FOR EXAMINER INTERVIEW BEFORE FURTHER ACTION

In the interest of expediting prosecution of the present application, Applicant respectfully requests that an Examiner interview be scheduled and conducted before a further action is issued with respect to the present application. The Examiner is respectfully requested to contact the attorney indicated on this paper at the local Washington, D.C. area telephone number of 703/312-6600 for the purpose of scheduling an examiner interview. The Examiner is thanked in advance for such considerations. Contact will also be attempted by the undersigned attorneys to schedule an Examiner Interview. In the event that the present papers, in and of themselves, are sufficient to place the application in condition for allowance, no Examiner interview would be necessary.

PENDING CLAIMS

Claims 20-27 were pending, under consideration and subjected to examination in the Office Action. Appropriate claims have been amended, canceled and/or added (without prejudice or disclaimer) in order to adjust a clarity and/or focus of Applicant's claimed invention. That is, such changes are unrelated to any prior art or scope adjustment and are simply refocused claims in which Applicant is present interested. At entry of this paper, Claims 20-22 and 24-41 will be pending for further consideration and examination in the application.

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DOUBLE PATENTING REJECTION - TRAVERSED/NOT SUPPORTED

The non-statutory double patenting rejection is respectfully traversed because such rejection does not provide the factual analysis required for such rejections under U.S. patent law, i.e., the Examiner has not satisfied his/her initial burden to adequately support the rejection. More particularly, MPEP 804 providing guidance for examining states that

"Since the analysis employed in an obviousness-type double patenting determination parallels the guidelines for a 35 USC 103(a) rejection, the factual inquiries set forth in *Graham v. John Deere Co.*, 383 US 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 USC 103 are employed when making an obviousness-type double patenting analysis. These factual inquiries are summarized as follows:

(A) Determine the scope and content of a patent claim and the prior art relative to a claim in the application at issue;

(B) Determine the differences between the scope and content of the patent claim and the prior art as determined in (A) and the claim in the application at issue;

(C) Determine the level of ordinary skill in the pertinent art; and

(D) Evaluate any objective indicia of non-obviousness.

Any obviousness-type double patenting rejection should make clear:

(A) The differences between the invention defined by the conflicting claims - a claim in the patent compared to a claim in the application; and

(B) The reasons why a person of ordinary skill in the art would conclude that the invention defined in the claim in issue is an obvious variation of the invention defined in a claim in the patent."

The rejection does not make clear why a person of ordinary skill in the art would conclude that the invention defined in the claim in issue is an obvious variation of the invention defined in a claim in the patent. More particularly, the Examiner has merely reiterated text from some legal cases, without any detailed analysis or support as to WHY Applicant's elimination of a step would have been obvious.

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In any event, Applicant's prior claims have significantly changed with Applicant's present clarified claims. It is respectfully submitted that such clarified claims are even more distinguished and non-obvious from Applicant's prior patented claims.

Accordingly, in the event that the double-patenting rejection is renewed, Applicant respectfully submits that the above analysis should be provided in order for the Examiner to satisfy his/her initial burden to support the rejection, or the rejection should be withdrawn.

REJECTION UNDER 35 USC '102

The 35 USC '102 rejection of claims 20-27 as being anticipated by Hayashi (U.S. Patent 6,198,587) is respectfully traversed. However, such rejections have been rendered obsolete by the present clarifying amendments to Applicant's claims, and accordingly, traversal arguments are not appropriate at this time. However, Applicant respectfully submits the following to preclude renewal of any such rejections against Applicant's clarified claims.

All descriptions of Applicant's disclosed and claimed invention, and all descriptions and rebuttal arguments regarding the applied prior art, as previously submitted by Applicant in any form, are repeated and incorporated hereat by reference. Further, all Office Action statements regarding the prior art rejections are respectfully traversed. As additional arguments, Applicant respectfully submits the following.

In order to properly support a '102 anticipatory-type rejection, any applied art reference must disclose each and every limitation of any rejected claim. The applied

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art does not adequately support a '102 anticipatory-type rejection because, at minimum, such applied art does not disclose (or suggest) the following discussed limitations of Applicant's claims.

Applicant's disclosed and claimed invention is directed toward arrangements for reproducing information recorded on a recording medium, which allow a greater recording density to be used, and more accurate reproduction to be performed. One important part, it that Applicant's arrangements execute an equalization processing for reducing an inter-symbol interference, wherein the equalization processing is changed during reproducing information recorded on the same recording medium, such that the smaller an amplitude of the reproducing signal, the greater an equalization coefficient that is applied.

Turning now to rebuttal of the applied reference, Hayashi discriminates what type of disk is loaded and then decides/fixes an equalization coefficient in accordance with the kind of disk, and applies the same/fixed equalization coefficient across the entire disk. See column 4, lines 54-55 and column 5, lines 9-30. Parts of the Office Action state that Hayashi's "equalization coefficient changes continuously [col.4, lines 51-55 and fig. 6]"; however, traversal is appropriate because it is abundantly clear that Hayashi's equalization coefficient is fixed and applied across an entirety of the recording information of any given Hayashi disk.

In addition to independent claim 20 (and claims dependent therefrom), it is respectfully noted that independent claims 28 and 35 (and claims dependent therefrom) have been added. Such claims recite "executing an equalization processing for reducing an inter-symbol interference; wherein an equalization

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coefficient applied in the equalization processing is serially changed throughout reproducing information from the same recording medium, such that the smaller an amplitude of the reproducing signal, the greater an equalization coefficient that is applied." Such is supported in Applicant's specification page 5, lines 18-19, and page 6, lines 8-13, for example, and nowhere shown or suggested by the Hayashi reference.

In addition to the foregoing, the following additional remarks from Applicant's foreign representative are also submitted in support of traversal of the rejection and patentability of Applicant's claims.

One feature of the present invention is that the smaller the amplitude of the reproducing signal, the greater the equalization coefficient makes when reproducing the recording information on the same medium. The short marks and long marks are formed in a mixture on the medium. Processing unambiguously such mixed marks on the equalization causes waveform distortion dependent on the mark sizes. For a purpose of solving such problem, the equalization coefficient is changed during reproducing the information recorded on the same medium, referring to the description on page 6, line 7 to page 8, line 23.

In contrast, Hayashi describes that the equalization coefficient is changed in accordance with the type of disks, referring to the description on col.5, lines 35-43 and Fig. 6, specifically describes the greater the recording density, the greater the equalization coefficient makes, referring to Fig. 6 indicating $K_4 > K_3 > K_2 > K_1$. Further, in the case of Hayashi, a singly type of disk uses a single value of the equalization coefficient, namely, K_1 , K_2 , K_3 and K_4 are fixed values, respectively. Specifically, the

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equalization coefficient is not changed on a single medium. This is different from the present invention.

As a result of all of the foregoing, it is respectfully submitted that the applied art would not support a '102 anticipatory-type rejection of Applicant's claims. Accordingly, reconsideration and withdrawal of such '102 rejection, and express written allowance of all of the '102 rejected claims, are respectfully requested.

RESERVATION OF RIGHTS

It is respectfully submitted that any and all claim amendments and/or cancellations submitted within this paper and throughout prosecution of the present application are without prejudice or disclaimer. That is, any above statements, or any present amendment or cancellation of claims (all made without prejudice or disclaimer), should not be taken as an indication or admission that any objection/rejection was valid, or as a disclaimer of any scope or subject matter. Applicant respectfully reserves all rights to file subsequent related application(s) (including reissue applications) directed to any/all previously claimed limitations/features which have been subsequently amended or cancelled, or to any/all limitations/features not yet claimed, *i.e.*, Applicant continues (indefinitely) to maintain no intention or desire to dedicate or surrender any limitations/features of subject matter of the present application to the public.

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EXAMINER INVITED TO TELEPHONE


The Examiner is invited to telephone the undersigned at the local D.C. area number 703-312-6600, to discuss an Examiner's Amendment or other suggested action for accelerating prosecution and moving the present application to allowance.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims listed above as presently being under consideration in the application are now in condition for allowance.

To the extent necessary, Applicant petitions for an extension of time under 37 CFR '1.136. Authorization is herein given to charge any shortage in the fees, including extension of time fees and excess claim fees, to ATS&K Deposit Account No. 01-2135 (referencing Case No. 500.38056CC3).

Respectfully submitted,



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